

APPENDIX

Sent to Comptroller
(March 27, 1991)

S.B. 14

Sent to Governor
(March 27, 1991)

S.C.R. 80**S.C.R. 81**

(March 28, 1991)

S.B. 14**THIRTY-EIGHTH DAY**

(Tuesday, April 2, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend John Taylor, First United Methodist Church, Decatur, a guest of Senator Glasgow, offered the invocation as follows:

O God, creator and sustainer of all life, we bow before You this morning to give thanks for this day and its possibilities. We invoke Your blessing upon this Senate and we pray that as these who have power meet together, they may always be mindful of the powerless. We give You thanks for Your presence, Your guidance, Your counsel. We ask that as they deliberate and decide, what they do may be pleasing in Your sight. We offer this prayer in the name of Jesus the Christ. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 28, 1991, was dispensed with and the Journal was approved.

GUEST PRESENTED

The President acknowledged the presence of former Lieutenant Governor and Governor of Texas Preston Smith.

The Senate welcomed Governor Smith.

CO-AUTHORS OF SENATE BILL 112

On motion of Senator Moncrief and by unanimous consent, Senators Barrientos, Glasgow, Dickson and Whitmire will be shown as Co-authors of **S.B. 112**.

CO-AUTHOR OF SENATE BILL 134

On motion of Senator Tejeda and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 134.

CO-AUTHORS OF SENATE BILL 346

On motion of Senator Zaffirini and by unanimous consent, Senators Carriker, Rosson, Truan and Lucio will be shown as Co-authors of S.B. 346.

CO-AUTHOR OF SENATE BILL 648

On motion of Senator Tejeda and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 648.

BILL AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolution:

S.B. 232
H.C.R. 166

GUESTS PRESENTED

Senator Sibley was recognized and introduced a group of students from St. Louis Catholic School of Waco.

The Senate welcomed these students.

REPORTS OF STANDING COMMITTEES

Senator Montford submitted the following report for the Committee on Finance:

C.S.S.B. 135

Senator Glasgow submitted the following report for the Committee on State Affairs:

C.S.S.B. 378

Senator Sims submitted the following report for the Committee on Natural Resources:

S.B. 744
H.B. 281
S.B. 1389
S.B. 748
C.S.S.B. 587
C.S.S.B. 308
C.S.S.B. 815
C.S.S.B. 1122
C.S.S.B. 1062

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

H.C.R. 61, To Committee on Health and Human Services.
H.B. 66, To Committee on Jurisprudence.
H.B. 640, To Committee on State Affairs.
H.B. 846, To Committee on State Affairs.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) having been suspended, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 90 by Montford Administration
Granting Imagents, Inc., permission to sue the State of Texas and The University of Texas System.

S.J.R. 42 by Green, Barrientos, Haley, Parker, Ratliff Finance
Proposing a constitutional amendment to partially exempt residence homesteads from ad valorem taxation by county education districts.

S.B. 1448 by Brown Health and Human Services
Relating to exemptions from the practice of physical therapy.

S.B. 1449 by Carriker State Affairs
Subcommittee on Elections and Ethics
Relating to requiring certain disclosures by persons who submit contracts to the governing body of a local government.

S.B. 1450 by Whitmire Intergovernmental Relations
Relating to the disannexation of certain qualified areas in a general-law municipality.

S.B. 1451 by Brooks Jurisprudence
Relating to the incorporation of and membership in a cooperative association.

S.B. 1452 by Brooks Finance
Relating to the enactment of state administered health insurance program for those under a certain percentage of the federal poverty level.

S.B. 1453 by Brooks State Affairs
Relating to the regulation of certain clinical laboratory practitioners; providing for a criminal penalty and denial, suspension, or revocation of certification; making an appropriation.

S.B. 1454 by Brooks Economic Development
Subcommittee on Insurance
Relating to premium rates for health insurance sold to small groups.

S.B. 1455 by Brooks Economic Development
Subcommittee on Insurance
Relating to the certification and regulation of private review agents; providing civil and criminal penalties.

S.B. 1456 by Harris of Dallas, Dickson Economic Development
Subcommittee on Insurance
Relating to the renewal by the State Board of Insurance of a license, certificate, or other authorization to perform an activity regulated under the insurance laws of this state that is held by certain persons on active duty in the United States armed forces.

GUESTS PRESENTED

Senator Brown was recognized and introduced Nolan Ryan of the Texas Rangers baseball team and his wife, Ruth, who are here for the Texas Rangers vs. The University of Texas exhibition baseball game.

Senator Glasgow joined Senator Brown in recognizing Nolan Ryan and his wife.

The Senate welcomed Mr. and Mrs. Ryan.

PERMISSION TO INTRODUCE BILLS AND RESOLUTION

Senator Brooks moved to suspend Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) to permit the introduction of the following bills and resolution:

S.J.R. 43
S.B. 1457
S.B. 1458
S.B. 1459
S.B. 1460
S.B. 1461
S.B. 1462

The motion prevailed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Ratliff was recognized and introduced a delegation from Panola County, here in celebration of "Panola County Day."

An enrolled copy of **S.R. 414**, previously adopted by the Senate on Tuesday, March 26, 1991, was prepared for the occasion.

GUESTS PRESENTED

Senator Montford was recognized and introduced a delegation from Lubbock and the following distinguished guests here for "Lubbock Day": Mayor Peck McMinn; Mayor Pro Tempore S. J. Patterson; John Logan, President of Lubbock Chamber of Commerce; Roy Holmes, Chairman of the Board of Lubbock Chamber of Commerce; and Dixon Platt, Chairman of Governmental Affairs of Lubbock Chamber of Commerce.

The Senate welcomed these guests.

An enrolled copy of **S.R. 356**, previously adopted by the Senate on Thursday, March 14, 1991, was prepared for the occasion.

(Senator Truan in Chair)

SENATE RESOLUTION 433

Senator Glasgow offered the following resolution:

S.R. 433, Recognizing April 2, 1991, as "Wise County Day" at the Capitol.

The resolution was read and was adopted by a viva voce vote.

GUEST PRESENTED

Senator Krier was recognized and introduced State Attorney General Dan Morales of San Antonio.

The Senate welcomed Mr. Morales.

(President in Chair)

SENATE RESOLUTION 430

Senator Truan offered the following resolution:

S.R. 430, Recognizing April 2, 1991, as "Corpus Christi Day" at the Capitol.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Upon recognition, Senator Truan introduced the Mayor of Corpus Christi, Betty Turner; Loyd Neal, Chairman of the Corpus Christi Chamber of Commerce; Dr. Bob Ferguson, President of Corpus Christi State University; and Dr. Buddy Ventners, President of Del Mar College.

The Senate welcomed these guests and congratulated them on their celebration.

SENATE CONCURRENT RESOLUTION 92

Senator Truan offered the following resolution:

S.C.R. 92, Expressing support for the Lady Lexington Museum on the Bay proposed by the City of Corpus Christi and wishing the city complete success in this worthy undertaking.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

SENATE BILL 215 ON THIRD READING

The President laid before the Senate as unfinished business **S.B. 215** on third reading and final passage. (The bill was read third time on Tuesday, March 26, 1991)

S.B. 215, Relating to noise regulation of sport shooting ranges.

The bill was finally passed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Turner, Whitmire, Zaffirini.

Nays: Lyon, Truan.

GUEST PRESENTED

Senator Johnson was recognized and introduced United States Congressman and former Member of the Texas Senate, Craig Washington.

The Senate extended a very warm welcome to Congressman Washington.

HOUSE BILL 435 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 435, Relating to donations of public or private funds or other property or services to the adjutant general's department and the state military forces.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 435 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that H.B. 435 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

CAPITOL PHYSICIAN

Senator Sims was recognized and presented Dr. Raymond Smith of Fredericksburg.

Dr. Smith, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Barrientos gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

SENATE RESOLUTION 387 ON SECOND READING

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.R. 387, Correcting the Senate Journal for Wednesday, March 13, 1991.

The resolution was read second time and was adopted by a viva voce vote.

SENATE BILL 76 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 76, Relating to making a left turn in a motor vehicle onto a one-way street.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 76 ON THIRD READING

Senator Ellis moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 76 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 883 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 883, Relating to taking a person who commits an offense before a magistrate.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 883 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 883** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 381 ON SECOND READING

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 381, Relating to the abolition of the Council on Disabilities and to the transfer of its functions to and the operation of the Governor's Committee on People with Disabilities.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 381 ON THIRD READING

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 381** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 490 ON SECOND READING

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 490, Relating to entering into contracts with adjoining states for the improvement of certain public roads and highways.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 490 ON THIRD READING

Senator Rosson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 490** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 885 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 885, Relating to the admissibility of the statement of a child signed in the presence of a magistrate and a bailiff or law enforcement officer.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 885 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 885** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

House Chamber
April 2, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 92, Expressing support for the Lady Lexington Museum on the Bay.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 279 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 279, Relating to the establishment of branch absentee polling places in certain elections.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 279 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 279** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 346 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 346, Relating to the practice of midwifery; providing criminal and civil penalties.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Amend **C.S.S.B. 346**, SECTION 19, Sec. 17(5), page 22, lines 17-20 to read as follows:

or use in connection with his name a title, abbreviation or any designation tending to imply that he is a "registered" or "certified" [lay] midwife as opposed to one who has identified himself in compliance with this Act; [or]

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 346 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 346** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 627 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 627, Relating to the authority of a municipality to create or join a municipal power agency and to the powers of that agency.

The bill was read second time.

Senator Haley offered the following amendment to the bill:

Amend **C.S.S.B. 627** on page 1 line 64 by adding the following after 4a: or 4b; and on page 2 line 6 after 4a add: or 4b

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 627 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 627 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Brooks in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 64 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 64, Relating to the offense of failure to identify oneself to a peace officer.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend C.S.S.B. 64 as follows:

Strike everything below the enacting clause and insert the following in lieu thereof:

SECTION 1. Sections 38.02(a), (b), and (c), Penal Code, are amended to read as follows:

(a) A person commits an offense if he intentionally refuses to report or give his name, residence address, or date of birth to a peace officer who has lawfully arrested or lawfully detained the person and requested the information.

(b) A person commits an offense if he reports or gives a false or fictitious name, residence address, or date of birth to a peace officer who has:

(1) lawfully arrested the person;

(2) lawfully detained the person; [lawfully arrested the person] or

(3) [who has] requested the information from a person that the peace officer has good cause to believe is a witness to a criminal offense.

(c) In this section:

(1) "Fugitive [~~or~~ "fugitive] from justice" means a person for whom a valid arrest warrant has been issued by a magistrate of this state, if the warrant has not been executed.

(2) "Lawfully detained" means the person was stopped by a peace officer because the peace officer had a reasonable suspicion that the person was involved in criminal activity.

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1991.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 64 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 64 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)

SENATE BILL 195 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 195, Relating to the establishment of the comprehensive rehabilitation fund and the imposition of a fee on certain traffic convictions.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 195 ON THIRD READING

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 195** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 529 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 529, Relating to reimbursement of contributions to the group insurance program for retired public school employees; providing a penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 529 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 529** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Haley and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Administration might consider bills to be placed on the Local and Uncontested Bills Calendar.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 140 - (Henderson): Commending Representative Barry Connelly for his many significant contributions to the state and extending best wishes to him for future success and happiness.

H.C.R. 171 - (Sims): Honoring The Boerne Village Band for its significant contributions to the preservation of the musical and cultural heritage of Germany in Texas.

S.R. 431 - By Barrientos: Recognizing Queen Kerensa Berry and Princesses Holly Harter, Amy Wimpey, Laura Linhart, Erika Smith, Courtney Hamilton, and Gretchen Schlachter of the 64th Texas Relays for their dedication and excellent performance of their duties.

S.R. 432 - By Ratliff: Joining with the citizens of Longview as they celebrate "Longview Day" at the Capitol on April 3, 1991.

S.R. 434 - By Glasgow: Welcoming Reverend John Taylor and Mrs. Taylor of First United Methodist Church of Decatur and expressing utmost appreciation for their presence today and his invocation.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:31 p.m. adjourned until 11:00 a.m. tomorrow.

THIRTY-NINTH DAY (Wednesday, April 3, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Montford.

A quorum was announced present.

Pastor Beth Marie Halvorsen, Shepherd of the Hills Lutheran Church, Austin, offered the invocation as follows:

Gracious Lord, we thank You that You are always with us and that You know and understand our thoughts and feelings. We believe that You even share our frustrations—our frustration when a task is given, yet agreement cannot be reached;